

**Notice of Allowability**

Application No.

10/657,035

Applicant(s)

LEWIS, DANIEL HOUSTON

Examiner

Leonid M Fastovsky

Art Unit

3742

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 10/25/04.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 25 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 20041025
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. D Lewis on 1/19/05.

The application has been amended as follows:

In claim 1:

line 3, delete the word "like";

line 7, delete "at item "a" above";

line 9, delete "the approximate" and " of a normal, at rest, adult..." and replace after "arch of" with --a normal—

line 10, delete "shoulder-that is" and replace with --having—

line 10, delete "in";

line 11, delete "item "a" above";

line 12, change the word "edge" to --edges—

line 15, add --said—before "heating", delete "the three" and replace with --said rectangular and triangular side--;

line 16, delete "the" before "attachment" and replace with --a—

line 16, delete "the three" and replace with "--said rectangular and triangular side—

line 18, add "s" in the word "element" and "a" before the word "manual";

In claim 2:

line 1, replace the word "pad" with --device-- and "all three" with --said rectangular and triangular side--

line 3, replace "pad" with --device--and "causes the..." with --causes a--

In claim 3:

line 1, replace "pad" with --device--

line 2, replace "the completed device" with --said triangular side panels--, and replace "." with --,-- and add --and--before the word "Variable" and change a capital letter "V" in the word "Variable" to --v--

2. The following is an examiner's statement of reasons for allowance: the claimed invention is allowed because the prior art of record does not teach or fairly suggest an electric heating device comprising a center rectangular panel formed of like front and back panels of a suitable fabric material, with a heating element sandwiched therein, two triangular side panels, formed of front and back panels of the same fabric material as the rectangular panel with two straight-cut edges of equal length as the length of the rectangular center panel and one curved edge that is cut in an arch, with heating elements sandwiched within each triangular side panel, with the curved edge of the triangular panels attached to each of the edges of the triangular panel to create a curved, scoop-like, three dimensional structure, and heating elements that transverse throughout each of the three panels interconnected at only one end of the attachment, allowing full "drapability" of the complete device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf

  
ROBIN O. EVANS  
PRIMARY EXAMINER  
1/24/05

1/20/05